

REMARKS

Claims 1-30 are pending in this application. Claims 1-7, 10-17, 20-27, and 30 have been rejected under 35 USC § 103(a) over U.S. Patent Application 2003/0037185 to Davis in view of U.S. Patent Application 2002/0112094 to Pederson, *et al.* (“Pederson”). Claims 8, 9, 18, 19, 28, and 29 are objected to because they are dependent on rejected base claims.

The § 103 Rejection over Davis in view of Pederson

Applicant points out that, pursuant to 35 U.S.C. § 103(c), “subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” Pursuant to 35 U.S.C. § 102, Pederson qualifies, if at all, as prior art only under 35 U.S.C. § 102(e).

Further, as the inventive entity in Pederson is different than that in the present application, the subject matter of Pederson was “developed by another” within the meaning of the statute. As stated in MPEP 2136.04, the inventive entity is developed by another if not all inventors are the same. Since Pederson and Applicant’s invention have different named inventors, the Pederson invention was “developed by another.”

Finally, the subject matter of Pederson and Applicant’s invention were, at the time of Applicant’s invention, owned by the same person or subject to an obligation of assignment to the same person. Specifically, both the Pederson application and Applicant’s application were subject to assignment, and in fact have been assigned, to NCR Corporation, as evidenced by the copies of the assignment documents submitted with this reply. As a result, Pederson can not be used to preclude patentability of Applicant’s invention under 35 U.S.C. § 103(a), and the claims all are allowable over this combination of references.

CONCLUSION

All of the claims are allowable over the art of record. Applicant therefore asks the Office to reconsider this application and allow all of the claims. Please apply any fees that might be due, including any fees for extensions of time but excluding the issue fee, to Deposit Account 14-0225.

Respectfully,



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